

PATRICK S. HALLINAN (#33838)
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Counsel for Defendant
LUKE BRUGNARA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR-08-222 WHA
)	
Plaintiff,)	NOTICE OF MOTION AND MOTION
)	TO WITHDRAW AS ATTORNEYS OF
v.)	RECORD FOR DEFENDANT
)	LUKE BRUGNARA
LUKE BRUGNARA,)	
)	Time: 2:00 p.m.
Defendant.)	Date: August 5, 2008
)	Place: Hon. William Alsup

PLEASE TAKE NOTICE that on August 5, 2008 in the Courtroom of the Hon. William Alsup, 450 Golden Gate Avenue, San Francisco, California, Patrick S. Hallinan and Kenneth H. Wine, attorneys of record for Defendant Luke Brugnara will, and hereby do, move to withdraw from their representation of Mr. Brugnara. This motion is necessary because a conflict has arisen between attorneys and client requiring that counsel withdraw from the case.

This motion is based on the instant notice and upon the declaration of Kenneth H. Wine filed herewith.

Dated: July 30, 2008

/s/ Kenneth H. Wine
Kenneth H. Wine, Esq.

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Counsel for Defendant
LUKE BRUGNARA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUKE BRUGNARA,

Defendant.

CR-08-222 WHA

DECLARATION OF KENNETH H.
WINE IN SUPPORT OF MOTION TO
WITHDRAW AS ATTORNEYS OF
RECORD FOR DEFENDANT
LUKE BRUGNARA

I, KENNETH H. WINE, DECLARE:

1. I am an attorney, licensed to practice in the State of California and before this Court.
2. Patrick Hallinan and I are attorneys of record for defendant Luke Brugnara in connection with this case. I respectfully submit this declaration in support of our motion to withdraw as counsel for Mr. Brugnara.
3. In the weeks since our representation began, a conflict with Mr. Brugnara has developed which requires Mr. Hallinan and I ask for leave to withdraw from our representation. Accordingly, we respectfully ask the Court to grant this request and to afford Mr. Brugnara sufficient time to obtain new counsel.

1
2 I declare under penalty of perjury under the laws of the United States that the foregoing is
3 true and correct, and that this declaration was executed on the 30th day of July, 2008 in San Francisco,
4 California.

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6 /s/ Kenneth H. Wine
Kenneth H. Wine, Esq.
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PROOF OF SERVICE

(By First Class Mail and ECF Filing)

I, Kenneth Wine, certify and declare as follows:

I am over the age of 18 years and not a party to this action. My business address is 345 Franklin Street, San Francisco, California 94102, which is located in the county where the service described below took place.

On July 30, 2008, I served by ECF filing system, or first class mail, postage fully prepaid, a copy of the attached ***NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT LUKE BRUGNARA, AND DECLARATION OF COUNSEL IN SUPPORT OF MOTION*** together with a copy of this declaration on all of the parties to this action addressed as follows:

Luke Brugnara
351 California Street
San Francisco, CA 94104
(by mail)

Thomas Newman, AUSA
450 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
(by ECF)

Luke Brugnara
224 Sea Cliff Avenue
San Francisco, CA 94121
sftycoon1@aol.com
(by mail and email)

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. I placed a copy of the attached document for deposit in the United States Postal Service in a sealed envelope, with first-class postage fully prepaid, and that envelope was placed for collection and mailing on the above date following ordinary business practices.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2008 at San Francisco, California.

/s/ Kenneth H. Wine
Kenneth H. Wine